

for itself, is the best evidence of the content thereof; and this Defendant denies any averments contained in paragraph 8 of the Petition which are inconsistent therewith. This Defendant denies the additional averments contained in paragraph 8 of the Petition.

6. This Defendant denies the averments of paragraphs 9, 10, 11, and 12 of the Petition.

COUNT I - LIBEL

7. This Defendant incorporates his responses to paragraphs 1 through 12 of the Petition, as if fully set forth herein.

8. This Defendant admits he published his opinions related to his visit to the Plaintiff's tourist attraction and admits on the TripAdvisor website, and that he subsequently revised the review to reflect his opinions about Plaintiff's efforts to contact he and his daughter about the review; but denies the remaining averments of paragraph 14 of the Petition.

9. This Defendant denies the averments of paragraphs 15, 16, 17, 18 and 19 of the Petition.

COUNT II - NEGLIGENCE

10. This Defendant incorporates his responses to paragraphs 1 through 19 of the Petition, as if fully set forth herein.

11. This Defendant denies paragraphs 21, 22, and 23 of the Petition.

COUNT III – PUNITIVE DAMAGES

12. This Defendant incorporates his responses to paragraphs 1 through 23 of the Petition, as if fully set forth herein.

13. This Defendant denies the averments of paragraphs 25, 26, 27 and 28 of the Petition.

COUNT IV – TORTIOUS INTERFERENCE WITH A BUSINESS EXPECTANCY

14. This Defendant incorporates his responses to paragraphs 1 through 28 of the Petition, as if fully set forth herein.

15. This Defendant denies the averments of paragraphs 30, 31, 32, 33, 34 and 35 of the Petition.

COUNT V – PRELIMINARY AND PERMANENT INJUNCTION

16. This Defendant incorporates his responses to paragraphs 1 through 35 of the Petition, as if fully set forth herein.

17. This Defendant denies the averments of paragraphs 37, 38, 39, 40, 41, 42, and 43 of the Petition.

ADDITIONAL RESPONSES AND DEFENSES

18. Plaintiff's Petition fails to state claims against this Defendant upon which relief can be granted.

19. This Court lacks personal jurisdiction over this Defendant.

20. The statements at issue were true.

21. The statements at issue were statements of opinion, which may not serve a basis for the claims asserted by Plaintiff's Petition.

22. Plaintiff's claims are barred by the equitable doctrine of estoppel.

23. Plaintiff's claims are barred by the First Amendment, and the statements at issue are protected by absolute and/or qualified privilege.

24. Plaintiff's own business practices, including but not limited to suing its customers for unfavorable opinions, are the actual cause of any losses claimed by Plaintiff herein.

25. Plaintiff's comparative negligence in its practice of harassing its customers, suing its customers, and/or other poor business practices identified during discovery, caused or contributed to cause Plaintiff's damages, and should serve to bar or reduce recoverable damages under applicable law.

WHEREFORE, defendant Randy Winchester requests the Plaintiff's claims be dismissed with prejudice, and that he be awarded his costs, expenses and fees incurred in defending Plaintiff's claims, and such other relief as the Court deems just and proper.

Respectfully submitted,

HINKLE LAW FIRM LLC
6800 College Boulevard, Suite 600
Overland Park, Kansas 66211
913-345-9205/ FAX: 913-345-4832

By: /s/ Jennifer R. Johnson
Jennifer R. Johnson, jjohnson@hinklaw.com #59197

ATTORNEYS FOR DEFENDANTS

DEMAND FOR JURY TRIAL

Defendant Randy Winchester requests a trial by jury of twelve on all proper issues in the above-entitled action.

By: /s/ Jennifer R. Johnson
Jennifer R. Johnson, jjohnson@hinklaw.com #59197

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of September, 2018, the foregoing *Answer of Randy Winchester* was filed electronically with the Clerk of the US District Court for the Western District of Missouri; and a service copy was served electronically via email only on the following:

Bryan D. Fisher, #65904 (bfisher@nnlaw.com)
NEALE & NEWMAN, LLP
1949 E. Sunshine, Suite 1-130
Springfield, MO 65808-0327
417-882-9090 / Fax: 417-882-2529
Attorneys for Plaintiff

/s/ Jennifer R. Johnson
ATTORNEYS FOR DEFENDANTS